

APR 28 2011

JULIA C. DUDLEY, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**ROGER EARLY MCMILLIAN,  
Plaintiff,**

**v.**

**NOTTOWAY CORRECTIONAL )  
CENTER MEDICAL AND SECURITY,) )  
Defendant. )**

**Civil Action No. 7:11-cv-00196**

## ORDER

**By: Hon. James C. Turk**  
**Senior United States District Judge**


In accordance with the written memorandum opinion entered this day, it is hereby

## ORDERED

that plaintiff is **GRANTED** leave to proceed in forma pauperis; plaintiff's complaint is **DISMISSED without prejudice**, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1); and the action is **STRICKEN** from the active docket of the court. Plaintiff may refile his claims as a new and separate action at the time of his choice.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the plaintiff.

**ENTER:** This 28<sup>th</sup> day of April, 2011.

  
Senior United States District Judge